

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ALMONDNET, INC. and  
INTENT IQ, LLC

Plaintiffs,

v.

VIAANT TECHNOLOGY INC. and VIAANT  
TECHNOLOGY LLC,

Defendant.

C.A. No. 23-174-MN

**DEFENDANTS' MOTION TO DISMISS  
COUNTS I AND III OF PLAINTIFF'S COMPLAINT**

Defendants Viant Technology Inc. and Viant Technology LLC (collectively, “Defendants”) move this Court pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss Counts I and III of the Complaint filed by Plaintiffs AlmondNet, Inc. and Intent IQ, LLC. Those counts assert that Defendants infringe claim 1 of U.S. Patent No. 7,979,307 (“the ’307 patent”) and claim 1 of U.S. Patent No. 8,775,249 (“the ’249 patent”), which are both ineligible for patent protection under 35 U.S.C. § 101. The grounds for this motion are set forth in the Opening Brief in Support of Defendants’ Motion to Dismiss, submitted on May 24, 2023, by Freewheel Media Inc. (“Freewheel”) and Beeswax.IO Corp. (“Beeswax”) in *AlmondNet, Inc. v. Freewheel Media, Inc.*, C.A. No. 23-220-MN (the “Motion”), which Defendants adopt in this proceeding.

Dated: May 24, 2023

FISH & RICHARDSON P.C.

By: /s/ Grayson P. Sundermeir

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